

Attorney Docket No.: RTS-0147
Inventors: Bennett and Wyatt
Serial No.: 09/828,344
Filing Date: April 5, 2001
Page 6

REMARKS

Claims 1, 2, 4-10 and 12-15 are pending in the instant application. Claims 1, 2, 4-10 and 12-15 have been rejected. Claim 1 has been amended. No new matter has been added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Rejection of Claims Under 35 U.S.C. 102/103

Claims 1, 2, 12 and 14 have been rejected under 35 U.S.C. 102(b) and 103(a) as being anticipated and/or obvious by Roberts et al. (WO 99/65928 A2). The Examiner suggests that this patent discloses a sequence that possesses 100% identity with residues 740 through 749 of SEQ ID NO:3 and would inherently have the ability to inhibit expression of this sequence as claimed. Applicants respectfully traverse this rejection.

At the outset, Applicants have amended the claims to refer to compounds that are modified compounds and are targeted to a region that encompasses nucleobases 652 through 1064 of SEQ ID NO: 3. Support for this amendment can be found throughout the specification as filed, in particular at pages 13 through 22. It should be noted as well that the nucleobase region now claimed is

Attorney Docket No.: RTS-0147
Inventors: Bennett and Wyatt
Serial No.: 09/828,344
Filing Date: April 5, 2001
Page 7

the same region recited in claims presented earlier in the prosecution of this case.

Roberts et al. disclose a single sequence that has identity with residues 740 through 749 of the instant specification. However, as acknowledged by the Examiner, this reference fails to teach antisense compounds as they fail to teach the antisense function. The reference also fails to teach modified compounds of any type, including modified antisense compounds as now claimed. Accordingly, this reference cannot anticipate or make obvious the claims as amended because it fails to teach or suggest the limitations of the amended claims (MPEP 2131 and 2143). Withdrawal of this rejection is therefore respectfully requested.

Claims 1, 2, 12 and 14 have been rejected under 35 U.S.C. 102(b) and 103(a) as being anticipated and/or obvious by St. Croix et al. (WO 02/10217 A). The Examiner suggests that this patent discloses a sequence that possesses 100% identity with residues 739 through 749 of SEQ ID NO:3 and would inherently have the ability to inhibit expression of this sequence as claimed. Applicants respectfully traverse this rejection.

At the outset, as discussed *supra*, Applicants have amended the claims to refer to compounds that are modified. St. Croix et al.

Attorney Docket No.: RTS-0147
Inventors: Bennett and Wyatt
Serial No.: 09/828,344
Filing Date: April 5, 2001
Page 8

disclose a single sequence that has identity with nucleobases 739 through 749 of SEQ ID NO: 3. The Examiner acknowledges that this reference fails to teach antisense compounds as they fail to teach antisense function. The reference also fails to teach modified compounds of any type, including modified antisense compounds as now claimed. Accordingly, this reference cannot anticipate or make obvious the claims as amended because it fails to teach or suggest the limitations of the amended claims (MPEP 2131 and 2143). Withdrawal of this rejection is therefore respectfully requested.

II. Allowable Subject Matter

Claims 4-10, 13 and 15 have been objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended the claims to recite modified compounds. Claim 4 was directed to modified compounds. Accordingly, withdrawal of this rejection is respectfully requested.

Attorney Docket No.: RTS-0147
Inventors: Bennett and Wyatt
Serial No.: 09/828,344
Filing Date: April 5, 2001
Page 9

III. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,

Jane Massey Licata
Registration No. 32,257

Date: August 24, 2004

Licata & Tyrrell P.C.
66 E. Main Street
Marlton, NJ 08053

856-810-1515